SENATE BILL 2495
By Williams

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 10, relative to the liability of parents and guardians for the wrongful and tortious acts committed by juveniles in their custody.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-10-101, is amended by deleting such section in its entirety and by substituting instead the following;

(a) Any municipal corporation, county, town, village, school district or department of this state, or any person, or any religious organization, whether incorporated or unincorporated, shall be entitled to recover damages in an action in assumpsit in an amount not to exceed fifty thousand dollars ($50,000) in a court of competent jurisdiction from the parents or guardian of the person of any minor under eighteen (18) years of age, living with the parents or guardian of the person, who maliciously or willfully causes personal injury to such person or destroys property, real, personal or mixed, belonging to such municipal corporation, county, township, village, school district or department of this state or persons or religious organizations.

(b) In addition to any monetary damages awarded pursuant to this section, a court of competent jurisdiction may require a minor who maliciously or willfully causes personal injury to another person or who maliciously or willfully destroys property to perform a maximum of two hundred (200) hours of community service.

SECTION 2. Tennessee Code Annotated, Section 37-10-102, is amended by deleting such section in its entirety and by substituting instead the following;

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The recovery shall be limited to the actual damages in an amount not to exceed fifty thousand dollars ($50,000) in addition to taxable court costs.

SECTION 3. This act shall take effect July 1, 1998, the public welfare requiring it, and shall apply to all wrongful and tortious acts committed by minors on or after such date.